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## **ADOPTING AND AMENDING CHARTERS**

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You asked us to summarize the procedure towns must follow to adopt or amend a home rule charter.

### **SUMMARY**

The law specifies the process towns must follow if they want to adopt or amend a home rule charter. They must follow this procedure regardless of whether they currently operate under the statutes or a charter that the legislature enacted on their behalf (i. e. , special act charter). The legislature enacted the latter before a constitutional amendment generally banned it from enacting special laws affecting any single town. Consequently, a town that wants to amend its special act charter must follow the statutory process for amending home rule charters.

The procedure is the same for adopting or amending a charter and involves four steps:

1. The town's legislative body or the town's voters can initiate the process by resolution or petition, respectively.
2. The legislative body must appoint a Charter Commission, which must consider any item the legislative body or the petition specifies. The commission can also consider other items it chooses.
3. The commission and the legislative body must hold public hearings on the proposed charter or charter amendments according to a statutory schedule. The legislative body can recommend changes to the commission's proposal, but the commission does not have to accept them.
4. After the commission finalizes its proposed charter or amendments, the legislative body can accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the legislative body initially approved it.

### **HOME RULE CHARTERS VERSUS SPECIAL ACT CHARTERS**

The phrase, “Home Rule Charter,” signals the fact that some towns operate under charters that they adopted and amended on their own (i. e. , “home rule”) while others operate under charters that the legislature adopted and amended on their behalf (i. e. , “special act charters”). The distinction holds even though the legislature allowed both types of towns (in 1957) to act on their own.

A 1969 constitutional amendment banned the legislature from enacting special acts regarding the powers, organization, form of government, and terms of elective office for any single town if the statutes already addressed these topics. The amendment did not repeal special act charters but did block the legislature from amending them. As a result, towns operating under these charters can amend them only by converting them into home rule charters.

## **INITIATION**

The town’s legislative body or voters can trigger the process. The former can start the process if two-thirds of its members agree. Voters can trigger the process if 10% of them sign a petition to that effect. In either case, the legislative body appoints a commission to draft the charter or charter amendments (CGS § 7-188 (b)).

The law specifies requirements for preparing petitions and validating signatures. The petition may recommend items for the commission to consider. Petition signatures are valid if they were obtained within 90 days of the date when the page containing them was filed with the legislative body. A signer can have his signature removed at any time before the petition is filed. The petitioners must file the petition with the town clerk, who must validate the signatures and certify its sufficiency to the legislative body (CGS § 7-188 (c)).

Once the clerk certifies the petition’s sufficiency, he cannot accept another petition for the same purpose until the first commission terminates (CGS § 7-188 (d)).

## **APPOINTING THE CHARTER COMMISSION**

The legislative body must appoint a Charter Commission consisting of between five to 15 voters, no more than one-third of whom can hold any other town or district office and no more than a bare majority of whom can belong to the same political party. The legislative body must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition (CGS § 7-190 (a)).

The legislative body can recommend items for the commission to consider, and the commission must consider these and any other items specified in the

petition, if there was one. The commission can also consider other items it deems necessary. Its reports must discuss all of the items it considered, including its own.

The legislative body must adopt a resolution setting a deadline for the commission to complete its work, which must fall within 16 months after the commission's appointment (CGS § 7-190 (b)). The commission terminates after the legislative body accepts or rejects the commission's final report (CGS § 7-190 (c)).

## **HOLDING PUBLIC HEARINGS ON THE PROPOSED CHARTER**

The commission and the legislative body must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the legislative body. It may hold additional hearings (CGS § 7-191 (a)).

After completing its hearings, the commission must submit the proposal to the town clerk, who must send it to the legislative body, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it received the report (CGS § 70-191(b)).

The legislative body has up to 15 days from its last hearing to recommend changes to the proposal (CGS § 7-191(b)). If it does not, the legislative body tacitly accepts the report and must act on it. If the legislative body does recommend changes, the law requires the commission to discuss them with the legislative body. The commission can accept these recommendations and incorporate them in its proposal or reject them. In either case, it must submit its final proposal to the legislative body no later than 30 days after the legislative body made its recommendations (CGS § 7-191(c)).

## **APPROVING THE CHARTER**

The legislative body must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition the legislative body for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a Charter Commission (CGS § 7-191 (d)).

The town must publish the proposal at least once in a local newspaper no later than 30 days after (1) approving it or (2) the petition's certification. It may publish (1) the full proposal or (2) that portion of the charter being amended. If the town chooses the latter, it must publish a notice that a complete copy of

the document is available in town clerk's office or by mail upon request. (CGS § 7-191 (d)).

The legislative body must also decide by majority vote whether to submit the proposal to the voters at a regular or special election. In either case, the referendum must be held no later than 15 months after the legislative body approved the proposal or the town clerk certified the petition. The legislative body must also decide whether to submit the proposal to the voters as a single question or several questions (CGS § 7-191(e) and (f)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election. A majority vote is required for proposals submitted at regular elections. It is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all town voters. The proposal takes effect 30 days after the vote, unless it requires otherwise (CGS § 7-191(f)).

The town clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approved them (CGS § 7-191(h)).

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